IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **FAO NO.541 OF 1987**

DATE OF DECISION: September 6, 2006

THE GENERAL MANAGER, HARYANA ROADWAYS, CHANDIGARH ...APPELLANT

VERSUS

SATISH KUMAR AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.

PRESENT: MR. ASHISH KAPOOR, ADDL.A.G., HARYANA.
MR. MUNISHWAR PURI, ADVOCATE
FOR THE X-OBJECTOR-RESPONDENT NO.1
MR. S.S. AULAKH, ADVOCATE
FOR THE INSURANCE COMPANY.

ASHUTOSH MOHUNTA, J. (ORAL)

The present appeal has been filed by the State against the judgement passed by the Motor Accident Claims Tribunal, Ambala dated 30.1.1987, by which compensation of Rs.12,500/- only has been awarded to him, on account of injuries suffered by him in a motor accident. Respondent No.1.-Satish Kumar has also filed cross-objections to the appeal.

Briefly the facts of the case are that on 25.10.1985, the appellant was travelling in a Haryana Roadways bus bearing No.HRX-1606. She boarded the bus from Chandigarh at about 4.45 A.M. and was going to Delhi. At about 5.40 A.M. when the bus reached near the Oberoi Petrol Pump in Ambala City and as soon as it crossed a small bridge, a truck being

driven by Gurpal Singh came from the opposite side and dashed against the bus on its right hand side. As a result of the accident, the bus overturned and fell in ditch on the side of the road and the appellant sustained injuries.

Respondent No.1, Satish Kumar has averred in his cross-objections that he was travelling in the bus and that as a result of the accident, he suffered a fracture of the leg and the Doctor has opined that he has suffered 20% disability. It has further been averred that because of the injuries suffered by him he is unable to climb any stairs. He has relied on the statement of Dr.Narinder Kumar Arora, PW-13 who was the member of the Medical Board and stated that the claimant suffered permanent disability to the extent of 20%. It was also opined by the Doctor that as a result of the injury, there is partial stiffness of the left knee and the claimant would not be able to climb stairs or run or sit cross-legged. It was further opined by the Doctors that the injury is uncurable.

Mr. Munishwar Puri, counsel for the respondent No.1 has contended that the compensation of Rs.12,500/- as awarded by the Tribunal is highly inadequate, keeping in view the injuries suffered by respondent No.1.

It has been averred that respondent No.1 was working as a conductor in the Haryana Roadways bus and was not able to perform his duties effectively and was given sedentary jobs.

Keeping in view the fact that respondent No.1 has suffered 20% permanent disability and is also handicapped in climbing stairs etc., I award a compensation of Rs.50,000/- over and above what has been awarded by the Tribunal. Thus, respondent No.1-Satish Kumar is held entitled to a total compensation of Rs.62,500/- and he shall also be entitled

to the interest at the rate of 8% payable from the date of filing the claim petition till realization.

For the reasons mentioned above, the appeal filed by the State is dismissed and the X-objections are partly allowed.

The insurance company as well as the State of Haryana are held jointly and severally liable to pay the compensation.

September 6, 2006 **(ASHUTOSH MOHUNTA)**
Gulati **JUDGE**